IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 56 OF 2007

IN

WRIT PETITION NO. 401 OF 2006

CHIEF SECRETARY, STATE OF GOA AND 4 ORS., ...Applicants

Versus

TRIVIKRAM R. KAMAT AND 2 ORS., ...Respondents

Mr. S. S. Kantak, AG with Mr. Manish Salkar, AGA for the Applicants.
Mr. V. R. Tamba, Advocate for the Petitioner.
Mr. M. S. Usgaonkar, Senior Advocate with Ms. Kale, Advocate for Respondent no.6.

Coram:- N. A. BRITTO, J.

Date:- 31st January, 2007

P.C.

Heard learned Advocate General Shri Kantak, learned Senior Counsel Shri Usgaonkar and learned Counsel Shri Tamba, on behalf of the parties.

2. By Order dated 11.12.2006, the issue in controversy was required to be decided afresh by the Hon'ble Chief Minister. However, when the matter came up before him on 19.01.2007, the Hon'ble Chief Minister has declined to hear the matter since an objection was taken on behalf of the original petitioners, for the matter to be heard by him. Learned Advocate General submitted that since the Hon'ble Chief Minister has recused himself from hearing the matter, the matter would now be heard by the Secretary (Revenue). Learned Senior Counsel Shri Usgaonkar has objection for the matter to be heard by the Secretary (Revenue). Without

going to the merits of the said objection, learned Advocate General has come with the suggestion that the matter could be heard by the link-Secretary to the Secretary (Revenue). In view of the above suggestion, Secretary (Finance), who is the link-Secretary to the Secretary (Revenue), shall hear the parties and dispose of the issue in controversy within a period of two weeks from today. The Order dated 11.12.2006, shall accordingly stand modified. The controversy shall be decided by the Secretary (Finance) irrespective of the fact that the elections to the Managing Committee are scheduled to take place on 11.02.2007. Parties will appear before the Secretary (Finance)for further proceedings on Friday i.e. 02.02.2007, at 4.00 p.m. It is made clear that no further extension would be given since considerable time has already been lost for a decision into the matter.

Expedited authenticated copies to be supplied to the parties.

N. A. BRITTO, J.

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